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**APR 23 2008**

**OFFICE OF PETITIONS**

In re Application of  
YANG, et al.  
Application No. 10/099,815  
Filed: March 13, 2002  
Attorney Docket No. 01-791 71767

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 22, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 22, 2006. Accordingly, the date of abandonment of this application is November 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(ii)(C) and (D).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee \$1400 and publication fee \$300; (2) the petition fee of \$1500, (3) an adequate statement of unintentional delay.

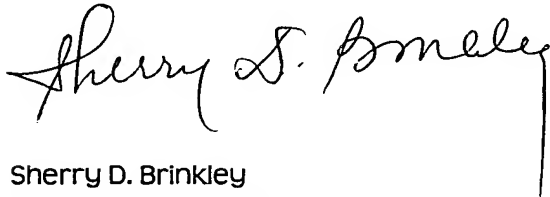
The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Ting-Mao Chao appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Chao desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

It is noted that a Power of Attorney accompanied the petition on September 27, 2007. However, the power did not include a certification under 37 CFR 3.73(b).

Petitioner is reminded that in order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on September 27, 2007 does not include one of the above two options.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in cursive script, reading "Sherry D. Brinkley". The signature is written in black ink and is positioned above the printed name and title.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: **TING-MAO CHAO, ESQ.**  
**KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP**  
**55 SECOND STREET, 17<sup>TH</sup> FLOOR**  
**SAN FRANCISCO, CA 94105**